

7. CONSENT AGENDA

- f. RESOLUTION 09-102 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT SWEET MELISSA'S CAFÉ, L.L.C., 1625 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE**

MEMORANDUM

Date: August 28, 2008
To: Sylvia A. Edwards, Finance Director
From: Charmaine L. Yeadon, Asst. Finance Director
Re: Business Tax Receipt – Solo Entertainment
Sweet Melissa’s Cafe, L.L.C.

Melissa Talmage, of Sweet Melissa’s Cafe, L.L.C., 1625 Periwinkle Way, has applied for a business tax receipt to provide entertainment per the attached application.

**Inside Entertainment Solo
Dining Music 7:00 p.m. until 10:00 p.m.**

The City’s business tax ordinance requires City Council approval, which includes placing any conditions on the license Council deems necessary (i.e. hours of operation, Council review or automatic renewal if no problems have been experienced. etc.).

The following is the tax per the Code of Ordinance Section 62-45; 7845: \$262.50

CITY OF SANIBEL
800 DUNLOP ROAD
SANIBEL FL 33957
239-472-9615

LICENSE # _____
CONTROL# _____
LOCATION# _____

RECEIVED BY
APPLICATION FOR BUSINESS TAX RECEIPT () REGISTRATION ()

TYPE OF BUSINESS: Restaurants Entertainment
NAME OF BUSINESS/TRADENAME/DBA: Sweet Melissa's Cafe LLC
LOCATION OF BUSINESS: 406 Lighthouse Way Sanibel, FL 33957 SUITE #: _____
MAILING ADDRESS OF BUSINESS: same
TELEPHONE #: 239 472 1956 EMAIL ADDRESS: sweetmelissacafe@yahoo
CHECK ONE: INDIVIDUAL () PARTNERSHIP (X) CORPORATION ()
NAMES OF PARTNERS OR CORPORATE OFFICERS: Melissa Talmage
Gretche Valable

Florida State law (205.0535, F.S.) requires that you provide us with your Federal ID number and/or your Social Security number prior to issuance of your license.

FEDERAL ID #: 320228281 and/or SOCIAL SECURITY#: _____
NAME OF APPLICANT/OWNER: Melissa Talmage / Sweet Melissa's Cafe
ADDRESS OF OWNER/APPLICANT: 406 Lighthouse Way
CITY/STATE/ZIP CODE: Sanibel FL 33957 TELEPHONE #: 239-233-0308
DRIVER'S LICENSE #: _____ STATE: FL BIRTHPLACE: Phil, PA BIRTHDATE: 1/27/72
HAVE YOU OR YOUR ORGANIZATION EVER BEEN CONVICTED OF A FELONY OR HAD A BUSINESS OR REGULATORY LICENSE OF ANY KIND REVOKED OR SUSPENDED? YES () NO (X)

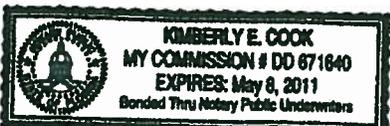
ALL CONTRACTORS: No Business Tax Receipt/Registration shall be issued to any contractor unless the applicant shall first present proof of a City of Sanibel Contractor License. Sanibel Contractor License #: _____

ALL SANIBEL BUSINESSES:
WILL THIS BUSINESS BE THE ONLY BUSINESS LOCATED IN THE SPACE YOU PROPOSE TO OCCUPY? YES () NO ()
IS THIS BUSINESS A HOME OCCUPATION? YES () NO ()
IF THIS BUSINESS IS A HOME OCCUPATION, A CERTIFICATION OF COMPLIANCE WITH HOME OCCUPATION REQUIREMENTS FORM MUST BE ATTACHED.

IF THE APPROPRIATE TAX IS BASED ON SUCH FACTORS, PLEASE STATE THE NUMBER OF:
SQUARE FEET _____ RESTAURANT SEATS _____ EMPLOYEES _____
UNITS _____ BICYCLES/BOATS _____ PUMPS _____
DEVICES _____ PIERS/DOCKS _____ OTHER: _____

EMERGENCY CONTACT INFORMATION FOR POLICE DEPARTMENT ONLY
NAME OF CONTACT PERSON: Melissa Talmage PRIMARY CONTACT John Talmage SECONDARY CONTACT
ADDRESS: 406 Lighthouse Way Sanibel FL 33957 same
TELEPHONE #: 239-233-0308 202 680 8915
ALARM TYPE: (X) NONE () AUDIBLE () TELEPHONE () DIRECT LINE

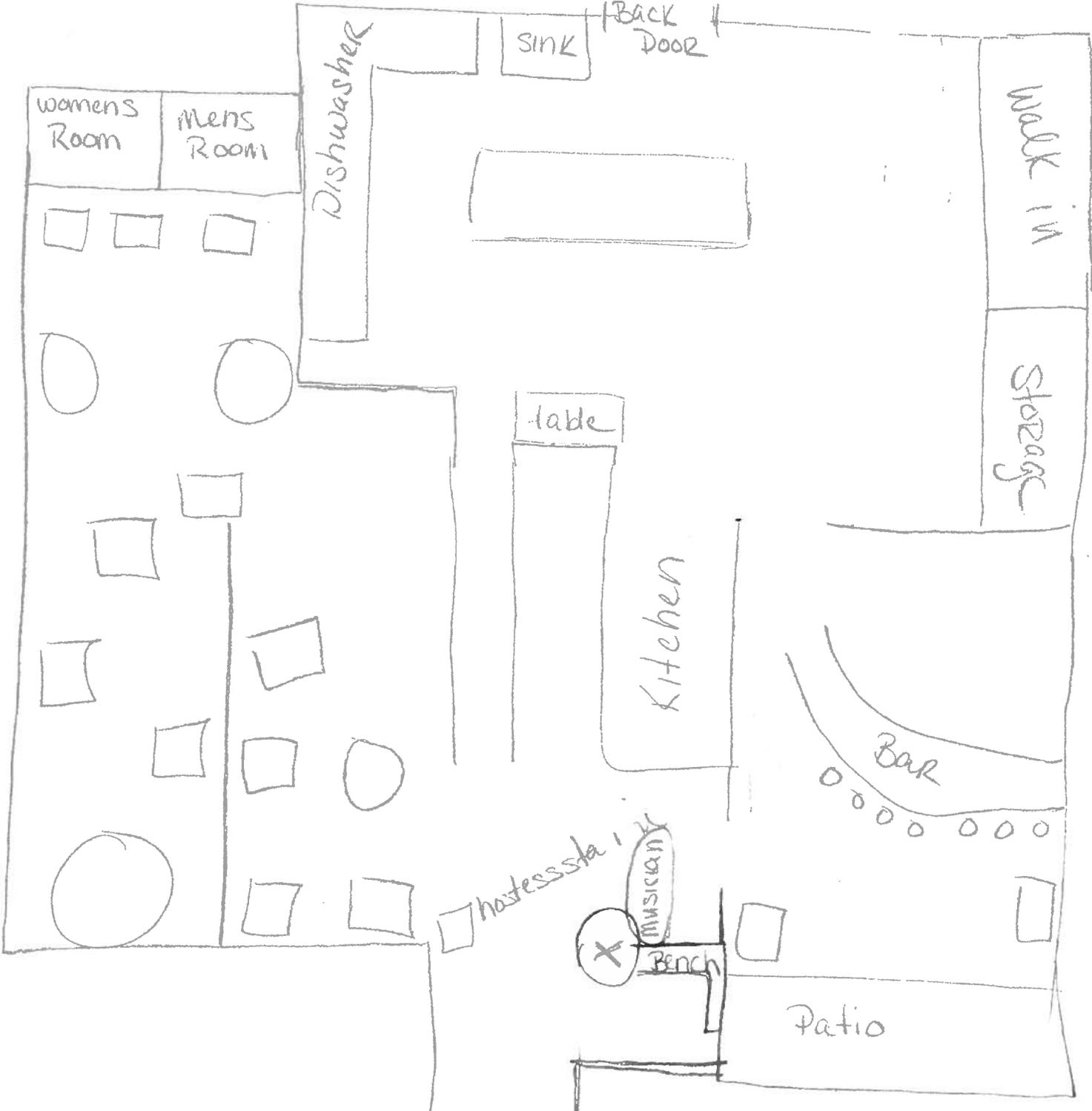
THE ABOVE FACTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Melissa Talmage
SIGNATURE OF APPLICANT/OWNER
SWORN TO AND SUBSCRIBED BEFORE ME THIS 28th DAY OF August, 2009
STATE OF FLORIDA
COUNTY OF LEE

Kimberly E Cook
NOTARY PUBLIC - STATE OF FLORIDA
(STAMP)

DO NOT WRITE BELOW THIS LINE - FOR OFFICIAL USE ONLY

APPROVED: PLANNING	DATE	ORDINANCE CODE#
APPROVED: BUILDING	DATE	TAX
APPROVED: CITY MANAGER/DESIGNEE	DATE	PENALTY
LICENS# () FBK		TOTAL AMOUNT

Sweet Melissa's Café, located at 1625 Periwinkle Way, is applying for an entertainment license. We would like to have a single accustical guitar player at the restaurant on Thursday and Friday Evenings for 7 pm until 10 pm. Please note diagram below which indicates where in the restaurant he will be sitting. He will have a wireless transmitter that will feed the music through our already existing sound system. Please feel free to contact Melissa Talmage at (239) 472-1956 if any further information is required.



CITY OF SANIBEL

RESOLUTION 09-102

A RESOLUTION DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT SWEET MELISSA'S CAFÉ, L.L.C., 1625 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Lee County, Florida:

WHEREAS, the applicant, Melissa Talmage has filed an application requesting an indoor musical entertainment tax receipt to provide entertainment as described in Section 1 below; and

WHEREAS, applicant filed such request on August 28, 2009, and

WHEREAS, this Council has duly heard and considered this request;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Lee County, Florida:

Section 1. The application of Sweet Melissa's Cafe, L.L.C. for an entertainment business tax receipt at Sweet Melissa's Café, 1625 Periwinkle Way, Sanibel, is hereby APPROVED with the following conditions:

- a. Performances under this business tax receipt are limited to one solo musician.
- b. Performances must be inside only.
- c. Entertainment must end by 10:00 P.M.
- d. The annual business tax receipt tax is \$262.50 per year.
- e. Unless the City Manager refers the matter to Council due to noise or other problems related to the business tax receipt, the tax receipt may be renewed annually, at the time other business tax receipts are issued without further Council action.

Section 2. Effective Date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Lee County, Florida, this 15th day of September, 2009.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM: *Kenneth B. Cuyler*
Kenneth B. Cuyler, City Attorney

Date 9/1/09

Vote of Councilmembers:

Denham _____
Ruane _____
Harrity _____
Jennings _____
Pappas _____

Date filed with City Clerk: _____

Pamela Smith

From: Bill E. Tomlinson
Sent: Wednesday, September 02, 2009 4:10 PM
To: Judie A. Zimomra
Cc: Pamela Smith
Subject: Ellington / Sweet Melissa's

There were no reported city ordinance violations, crimes or negative complaints associated with either business

***Police Chief William Tomlinson
City Of Sanibel
(239) 472-3111 ext. 226
bill.tomlinson@mysanibel.com***

Pamela Smith

From: Jimmy Jordan
Sent: Wednesday, September 02, 2009 8:19 AM
To: Pamela Smith
Subject: FW: Sweet Melissa & Ellington

Good Morning Pamela,
See the below comments from Code Enforcement regarding this subject.
Jim

From: Terri S. Cummins
Sent: Wednesday, September 02, 2009 8:17 AM
To: Jimmy Jordan
Subject: RE: Sweet Melissa & Ellington

Ellingtons (old location) had a dumpster issue that was resolved.
Sweet Melissa had a banner outside but that violation has been corrected.
I do not know of any other violations at this time.
Terri

From: Jimmy Jordan
Sent: Tuesday, September 01, 2009 5:38 PM
To: Terri S. Cummins
Subject: FW: Sweet Melissa & Ellington

Terri,
Are there any known violations at either of these locations for the last 2 year period? Let me know.
Thanks,
Jimmy

From: Judie A. Zimomra
Sent: Tuesday, September 01, 2009 4:45 PM
To: Bill E. Tomlinson; Jimmy Jordan
Cc: Pamela Smith
Subject: FW: Sweet Melissa & Ellington

Please run 24 months of history for both locations thank you

From: Pamela Smith
Sent: Tuesday, September 01, 2009 4:43 PM
To: Judie A. Zimomra
Subject: FW: Sweet Melissa & Ellington

Please see below. I have removed Sweet Melissa's and put on the 091509 agenda
